

Sasaki discloses a thin film magnetic head having a flat gap layer 9. See Figs. 2a, 5 and 6; and col. 10, line 66 – col. 11, line 12. Similarly, Ohtomo discloses a flat gap layer 6. See Fig. 1 and col. 5, lines 44-51.

On the other hand, Chang discloses a gap layer 334 that is required to have a recess 336 for self alignment. See Figs. 21 and 33; and col. 16, lines 1-4 and lines 20-27.

One of ordinary skill in art would not have been motivated to combine Chang with Sasaki and Ohtomo, because such a combination would require Sasaki and Ohtomo to have a recess in the gap layer, which is undesired in Sasaki and Ohtomo.

The Office Action appears to be engaging in impermissible hindsight reconstruction using the present application as a road map to pick and choose features out of prior art. Thus, the Office Action has failed to establish a *prima facie* case of obviousness, because the Office Action has failed to establish any motivation for combining Chang with Sasaki and Ohtomo.

Furthermore, even if combined, Sasaki, Ohtomo and Chang do not disclose or suggest the relations of $TH1 \geq 4WG$ and $ND1 \geq 4WG$, as recited in claims 1 and 3.

As admitted in the Office Action, Sasaki does not disclose or suggest the above-quoted relations recited in claims 1 and 3. In fact, the portions of Sasaki, as applied in the Office Action, only concern the dimensions of the top pole portion. The portions of Sasaki that are applied in the Office Action do not disclose or suggest dimensions related to the lower pole portion, which corresponds to the first pole portion recited in claims 1 and 3.

Ohtomo discloses dimensions of a first pole piece, which may arguably correspond to the first pole portion recited in claims 1 and 3. The Office Action asserts that Ohtomo discloses the relation of $TH1 \geq 4WG$. However, as admitted in the Office Action, Ohtomo requires a relation of $ND \leq 14WG$, which is contrary to the requirement of $ND1 \geq 4WG$ recited in claims 1 and 3. Thus, Ohtomo does not supply the subject matter lacking in Sasaki.

The Office Action asserts that Chang discloses a relationship of $ND1 \geq 4WG$.

However, Chang does not disclose or suggest a relation of $TH1 \geq 4WG$.

An alleged combination of Sasaki, Ohtomo and Chang cannot ignore the requirement of $ND1 \leq 4WG$ of Ohtomo. Thus, such a combination may only produce, 1) either the relations of $TH1 \geq 4WG$ accompanied by $ND1 \leq 4WG$; 2) or the relation of $ND1 \geq 4WG$ without achieving $TH1 \geq 4WG$. Thus, the combination will lack either the relation of $ND1 \geq 4WG$, or the relation of $TH1 \geq 4WG$. Hence, Chang does not supply the subject matter lacking in Sasaki and Ohtomo.

For at least the above reasons, Sasaki, Ohtomo and Chang do not disclose or suggest the subject matter recited in claims 1 and 3, and claims 5-8 and 11-16, depending therefrom. Accordingly, withdrawal of the rejection of claims 1, 3, 5-8 and 11-16 under 35 U.S.C. §103(a) is respectfully requested.

The Office Action rejects claims 2, 4, 9 and 10 under 35 U.S.C. §103(a) over Sasaki in view of Ohtomo. This rejection is respectfully traversed.

The Office Action admits that Sasaki does not disclose or suggest the relation of $TH2 \geq 4WG$, but asserts that Ohtomo discloses this relation. However, Ohtomo does not disclose this relation, thus does not supply the subject matter lacking in Sasaki.

Ohtomo discloses the dimensions of a lower pole piece. In particular, the dimensions Ly and Tr of Ohtomo are the dimensions of the lower pole piece, which corresponds to the first pole portion recited in claims 2 and 4. The dimensions Ly and Tr of Ohtomo do not disclose or suggest the relation of $TH2 \geq 4WG$ for the upper pole piece, or the second pole portion recited in claims 2 and 4.

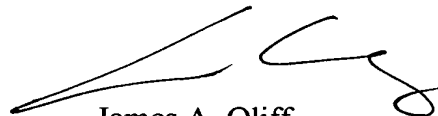
It appears that the Office Action is confusing between the first and the second pole portions. The Office Action does not establish a combination of Sasaki and Ohtomo that discloses or suggests the dimensional relations of both TH2 \geq 4WG and ND2 \geq 4WG.

For at least the above reasons, Sasaki and Ohtomo do not disclose or suggest the subject matter recited in claims 2, 4, 9 and 10. Accordingly, withdrawal of the rejection of claims 2, 4, 9 and 10 under 35 U.S.C. §103(a) is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-16 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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